

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

UNITED STATES OF AMERICA,

Appellee,

v.

PETER NAVARRO,

Appellant.

Case No. 24-3006

* * * * *

**AMICI CURIAE’S UNOPPOSED NUNC PRO TUNC MOTION
FOR BRIEF ENLARGEMENT OF TIME WITHIN WHICH TO
FILE AMICI BRIEF AND FOR LEAVE TO EXCEED WORD LIMIT**

Amici curiae Heidi Kitrosser, Mark J. Rozell, and Mitchel A. Sollenberger (“Amici”) hereby request, pursuant to D.C. Circuit Rule 28(e)(2), a retroactive one-day extension of the deadline for filing their attached *Amici Curiae* Brief in Support of Affirmance, until 20 September 2024, and that the attached Brief be accordingly accepted out of time. Amici also request leave to exceed the 6,500 word limit by 772 words. This Brief was due 19 September. Counsel for both parties have informed the undersigned that they do not oppose this Motion.

Amici have good cause to request this extension. The undersigned has been caring for a sick young child for a significant portion of this week while ill himself, and this had a deleterious effect on his ability to perform significant work on this Brief. He completed the final review of the Brief at 11:36 PM last night but was

unable to receive final approval from two of the signatories before the deadline. Once he had received approval this morning, he still needed to wait until he had received a response from the parties' respective counsel regarding their positions, the later of which was received approximately two hours ago.

Regarding Amici's request for leave to exceed the word limit, this case involves several complex issues—many of which are questions of first impression for this Court—which necessitate a more in-depth discussion than can realistically be accomplished in 6,500 words. For example, in order to explain Amici's straightforward assertion that former President Trump cannot invoke a privilege which President Biden has waived, it was necessary to first explain in detail the context surrounding a landmark Supreme Court case and the passage of the Presidential Records Act and then provide a historical analysis of the Executive Branch's treatment of the President's authority over the next forty years—a discussion which itself required 1,346 words. Accordingly, it is in the strong interest of judicial economy to allow Amici this modest amount of additional space within which to share their particular expertise with the Court, to ensure that all meritorious arguments are presented to the Court for its consideration.

This is the first extension requested for this Brief.

Date: September 20, 2024

Respectfully submitted,

/s/ Kelly B. McClanahan

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing filing contains 497 words, and was prepared in 14-point Times New Roman font using Microsoft Word 2016.

/s/ Kelly B. McClanahan
Kelly B. McClanahan, Esq.